United Nations A/C.5/62/8

General Assembly

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Sixty-second session
Fifth Committee
Agenda item 114 (e)
Appointments to fill vacancies in subsidiary organs and other appointments

Appointment of members of the United Nations Administrative Tribunal

Note by the Secretary-General

1. As indicated in document A/62/105, the General Assembly will be required, during its current session, to appoint two persons to fill the vacancies that will occur in the membership of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2008.

2. The following persons have been nominated by their respective Governments for appointment or reappointment:

Agustín Gordillo (Argentina)

Dayendra Sena Wijewardane (Sri Lanka)

3. The candidates' curricula vitae follow (see annex).

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Annex

Curricula vitae

Agustín Alberto Gordillo (Argentina)

Date of birth: 22 October 1938

Experience

Emeritus Professor, University of Buenos Aires

Presiding Judge, Arbitration Tribunal, Peru (2003), in a proceeding between an international company and a government entity; unanimous decision, consented to by both parties

Judge (2002-2007), Administrative Tribunal, Organization of American States, Washington, D.C.

Judge (1994-2005), Administrative Tribunal, International Monetary Fund, Washington, D.C.

Judge (2004-2007), Administrative Tribunal, International Labour Organization, Geneva

Member, Board of Directors, European Public Law Centre (Athens), since 2003

Judge (1984-1989) and President (1988-1989) of the Administrative Tribunal, Inter-American Development Bank, Washington, D.C.

Member, Council of the Buenos Aires Bar Association (1990-1992)

Adviser (ad honorem), Constitutional Affairs Commission, House of Deputies of Argentina (1984 to present)

Adviser (ad honorem), Administrative Affairs Commission, Senate of Argentina (1984 to present)

Founding President, Administrative Law Foundation (1981 to present)

Founding President, Ibero-American Administrative Law Association (2000-2002), Honorary President, 2002

Founding President, International Institute of Latin American Administrative Law (1977-1980)

Founding President of the Administrative Law Association of Argentina (1976-1978)

Member of the Editorial Board, International Review of Administrative Sciences, International Institute of Administrative Sciences, Brussels (1974 to 1989)

Dean, School of Law and Social Sciences, University of Buenos Aires (1973)

Substitute Judge, Supreme Court of Justice of Argentina (1972)

Dean, School of Law, La Plata National University (1969)

Various teaching assignments as professor of administrative law from 1958 to present in Argentina and throughout Latin America and Europe

Education

PhD, Law and Social Sciences (1960); JD (1959), University of Buenos Aires School of Law and Social Sciences

Publications

Over 20 legal publications and textbooks, including a comprehensive four-volume *Treatise of Administrative Law* with simultaneous editions in Argentina (8th edition, 2003), Colombia (2nd edition, 2001), Venezuela (1st edition, 2001), Peru (1st edition, 2003), Brazil (1st edition, 2003) and Mexico (1st edition, 2004), as well as numerous contributions to Latin American and European law journals. More recently, in English, *An Introduction to Law* (London, Esperia Publications Ltd., 2003, with a preface by Spyridon Flogaitis, Director of the European Public Law Centre); also as *Une introduction au droit* (same data); and *The Future of Latin America: Can the EU Help?* (same data)

Miscellaneous

Honorary Professor at various Latin American universities (three in Colombia, two in Argentina, one in Peru)

Participation in numerous conferences, seminars and symposiums worldwide on administrative law issues

Consultant in connection with numerous legal and developmental projects of the Government and Consultant to various international organizations — World Bank, Inter-American Development Bank, United Nations

Presiding Judge, Arbitration Tribunal, Buenos Aires, 1994 (in re Mar del Plata Copan '95 Sociedad del Estado y Swipco S.A.)

Presiding Judge, Arbitration Tribunal, Peru, 2003

For further details, see www.gordillo.com.

Dayendra Sena Wijewardane (Sri Lanka)

Date of birth: 29 April 1935

Professional experience

Currently Second Vice-President, United Nations Administrative Tribunal

Legal Adviser and General Counsel, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (D-2). Retired in September 1997. Recalled as General Counsel from September 2000 to December 2002.

Served also as Director of Personnel and Director, UNRWA Liaison Office (New York). Served for many years as a member of the Agency's General Cabinet and in its principal committees, including the Personnel Resources and the Executive Committees. In addition to the overall responsibility for planning, directing and supervising the legal functions of the Agency, the General Counsel was responsible for advising on complex and sensitive issues, both legal and extralegal, relating to the functions, structures and activities of the Agency, on policy, programme and other matters having constitutional and legal aspects and on the Israeli-Palestinian agreements.

In addition to managing the Legal Department of UNRWA, composed of 12 Legal Officers and consultants at Headquarters and in fields of operation, the Legal Adviser was in charge of relations with the occupying Israeli Authority in the Gaza Strip and the West Bank and subsequently with the Palestinian Authority. Responding to the concerns of the international community, the Legal Adviser created and administered the Agency's programme of passive protection of the Palestinians during the first intifada. The programme was composed of 23 professional staff deployed in the West Bank and the Gaza Strip reporting to the Legal Adviser. Created and controlled the strategic management of the Agency's Operational Support Officers' Programme to undertake, inter alia, initiatives for humanitarian access during the second intifada, from September 2000 onwards.

The Legal Adviser chaired the Headquarters Contracts Committee and other committees and task forces. He advised on contracts and procurement matters and represented the Agency in arbitrations and in the United Nations Administrative Tribunal. His responsibility included advising the Agency on the internal law of the Organization, including the application of the Staff Regulations and Rules and the grievance procedures and processes for the Agency's 23,000 staff members.

Represented the Commissioner-General and Deputy Commissioner-General of UNRWA in their absence.

Barrister, Sri Lanka, 1960-1971

Full-time legal practice with emphasis on litigation work, appellate and original-level litigation. Representative clients included the Bank of Ceylon, Peoples Bank, the Ceylon Insurance Company, the Insurance Corporation of Ceylon, and the Associated Newspapers of Ceylon, Ltd. and its subsidiary companies. Represented Shell, Caltex and ESSO Companies of Ceylon in their claims for compensation arising out of the nationalization by the Government of Sri Lanka of these petroleum companies in Sri Lanka. Served as Counsel for the Government of the

United States in an Admiralty claim. Served for a number of years as Lecturer to the Council of Legal Education of Sri Lanka and Chairman of its Board of Examiners.

Mission assignment

Legal Adviser to the United Nations Interim Administration Mission in Kosovo (UNMIK)

October 1999 to April 2000: Legal Adviser to the Special Representative of the Secretary-General in Kosovo. Under Security Council resolution 1244 (1999), all legislative and executive authority over Kosovo is vested in the Special Representative. The Legal Adviser's office, consisting of some 17 professional officers at headquarters and many others in the region, had a central legal and political role in the complex and unique peacekeeping mission in Kosovo. The Legal Adviser's office in UNMIK drafted and reviewed legislative and executive instruments and provided advice in a variety of complex matters pertaining to all activities of a government, including banking, business registration, taxation, telecommunications, transport, establishment of a judiciary, law enforcement, elections, civil registration and municipal and regional administration. Leader of the United Nations delegation to Skopje to negotiate the Status of Mission Agreement with the Government of Macedonia.

Professional qualifications

MA (Oxon), BCL (Oxon), United Kingdom

Diploma in international law, Cambridge University, United Kingdom

Barrister at Law (Middle Temple)

Attorney at Law, Supreme Court, Ceylon

Education

Royal College School, Colombo, 1947-1954

Jesus College, Oxford University, 1954-1957/1958-1959

London Middle Temple, 1957-1958

Trinity College, Cambridge University, 1962-1963

Awards

Wilson Prize in Law, Jesus College, Oxford University

Humanitarian Trust Scholar in Public International Law, Cambridge University 1962-1963

Publications

"Criminal jurisdiction over visiting forces with special reference to international forces", British Yearbook of International Law, Vol. 41 (1965-1966)

"The Ombudsman as reality in Southeast Asia", working paper to the Southeast Asian Colloquium, Colombo, January 1966

Protecting Palestinian Refugees: the UNRWA experience; Humanitarian Diplomacy: Practitioners and Their Craft, Tokyo; New York: United Nations University Press, 2007

Additional responsibilities

Governor and Chairman, Board of Governors, Vienna International School

Chairman, International Committee of Inquiry following the riots in Kosovo in March 2003

Panel member, Singapore, International Arbitration Centre (SIAC)